6-302 Conditions of Service for Academic Professionals

Revision Dates

10/1/2026, 4/16/2026, 6/12/2025, 9/27/2018, 12/7/2012 (adopted)

A. Appointment Procedures

1. The President shall establish procedures for securing recommendations for appointments to academic professional positions. An appointment may become effective as of the date it is approved by the President or the President's designee.

2. Academic professional employees may be offered an appointment for an academic year or for a fiscal year or a portion thereof, or may receive a multiple-year appointment which may be renewed at the end of the appointment period for another multiple-year appointment or for a one-year academic or fiscal year, or any portion thereof.

   a. In accordance with procedures adopted by each university, review for renewal will be conducted during the year prior to the final year.

   b. No multiple-year appointment shall become effective until approved by the university President or the President's designee. There is no limit on the number of renewals. No oral or written communication made prior to or after the execution of a Notice of Appointment that is inconsistent or in conflict with the Conditions of this policy shall become a part of the conditions of employment.

3. The type of academic professional appointment involved shall be determined by the President or the President's designee and shall be indicated on the notice of appointment by use of the designation "probationary", "continuing", "year-to-year" or "multiple-year".

4. Where appropriate, the Notice of Appointment or Letter of Offer shall state that the appointment is dependent on continuation upon funding from a specific source other than state appropriations and that the appointment may terminate prior to the end of the designated contract period if funding is no longer available.

B. Types of Academic Professional Appointments

1. Year-to-Year

Persons employed under a year-to-year appointment shall have no expectation of employment beyond the end of the current appointment period and are not subject to review for continuing status. There is no limit to the number of appointment periods to which a person employed under a year-to-year contract may be appointed. Such appointments may be for a period of less than one year.

A person employed under a year-to-year appointment may be subsequently employed under a probationary appointment. In such event, the extent to which the person's prior service under year-to-year appointments is considered in any review for continuing status shall be determined by the university.

2. Probationary

Persons employed under a probationary appointment shall have no expectation of employment beyond the end of the current appointment period, but shall be reviewed for continuing status in accordance with procedures outlined in this document. A person shall hold a probationary appointment for no more than seven years, including any terminal appointment which a university may choose to provide.

A person employed under a probationary appointment shall not be subsequently employed under a year-to-year appointment except as permitted under this Policy.

3. Continuing

Persons employed under a continuing appointment shall have an expectation that the President will renew their appointment for successive appointment periods, except when such a recommendation is precluded by reason of retirement, resignation, release for budgetary reasons or reorganization, or dismissal for just cause.

4. Multiple-Year

Persons employed under a multiple-year appointment shall have no expectation of employment beyond the end of the appointment period. Any renewal of a multiple-year appointment shall be in accordance with procedures adopted by each university.

5. Each university shall determine policies for part-time academic professional employees.

C. Compensation

1. The President may set individual salaries and allocate salary increases within limitations of available funding. Salary rates for reappointments will depend upon available funding.

2. Certain fringe benefits are made available to university employees and are subject to change by the Legislature, the Board, or the university.

3. Policies governing outside activities and supplementary compensation are administered by each university.

D. Duties and Responsibilities: The Board Designates to the Presidents the ability to modify the requirements of this section, provided the University process substantially complies with the following process.

1. Duties and responsibilities of an academic professional employee shall consist of those assigned by the President or the President's designee. All duties and responsibilities shall be carried out under the direction of the President or the President's designee.

2. Performance of assigned duties by academic professional employees shall be subject to evaluation by an appropriate administrator and performance shall be considered in decisions relating to compensation, retention, advancement/promotion, termination, or a decision not to reappoint.

E. Advancement/Promotion, Reappointment, Acquisition of Continuing Contract Status

1. Decisions relating to advancement/promotion, reappointment and acquisition of continuing status shall be made in accordance with university rules and procedures approved by the President. Decisions of the President regarding advancement/promotion, reappointment or acquisition of continuing status are final. An academic professional employee who does not acquire continuing status or whose probationary or year-to-year or multiple-year appointment is not renewed shall not be entitled to a statement of reasons for that action.

2. Academic professional employees on a year-to-year or multiple-year appointment shall be given at least a 90 day notification of non-renewal prior to the end of the appointment period. Failure to provide an academic professional employee with a 90 day notification of non-renewal shall not constitute an automatic renewal of appointment. If notice of non-renewal is given less than 90 days prior to the end of an academic professional

employee's appointment period, the employee shall be entitled to continuation of salary for 90 days from the date of notification.

3. University rules and procedures applicable to academic professional employees holding probationary appointments shall include maximum probationary periods, mandatory periodic review, and at least 90 day notice of non-reappointment.

    a. Decisions on advancement, continuing status and reappointment shall be based upon written criteria developed at each university with participation of appropriate academic professional employees and approved by the President.

    b. A person is advanced, granted continuing status or reappointed on the basis of excellent performance and the promise of continued excellence. The denial of advancement, continuing status or reappointment, however, need not be construed as due to failure or poor performance on the candidate's part. Considerations such as the need for a different area of specialization or for new emphases, the lack of a continuing position, or the need to shift a position or resources to another department may dictate that the individual not be reappointed or granted continuing status.

    c. Attainment of continuing status shall not result from inaction or inadvertence.

4. Regardless of the terms of the notice of appointment, an academic professional employee may be placed on furlough under a furlough plan approved pursuant to ABOR Policy 6-810.

F. Termination: The Board Designates to the Presidents the ability to modify the requirements of this section, provided the University process substantially complies with the following process, or otherwise adheres to the tenets of procedural due process, including notice, a full and fair exchange of information supporting the decision, and an opportunity to be heard by a neutral fact-finder prior to final determination.

1. Methods of Termination

    The employment of an academic professional employee may terminate through resignation, retirement, release due to reorganization or financial emergency, non-renewal of probationary or year-to-year or multiple-year appointment, or dismissal for just cause.

2. Dismissal

a. Academic professional employees holding continuing appointments shall not be dismissed except for just cause. Dismissal shall not occur until the academic professional employee has been given an opportunity for a hearing as prescribed in this Policy.

b. Just cause shall include, but not be limited to, any of following:

(1) Demonstrated incompetence or dishonesty in professional activities related to the fulfillment of assigned duties and responsibilities associated with the position;

(2) Substantial neglect of properly assigned duties;

(3) Personal conduct that substantially impairs the individual's fulfillment of properly assigned duties and responsibilities;

(4) Substantial incapacity (physical or mental) to perform properly assigned duties, but due consideration shall be given to the nature and duration of the incapacity;

(5) A Violation of the Code of Conduct of a serious nature or willful, malicious, or serious disregard of ABOR or university policies or rules.

c. Those academic professional employees not holding continuing appointments, whether a probationary or year-to-year or multiple-year appointment, may be dismissed during an appointment period only after a finding of just cause. Dismissal shall not occur until the academic professional employee has been given an opportunity for a hearing as prescribed this policy.

3. Nonrenewal. The President or their designee may decide not to renew the appointment of any academic professional employee not holding a continuing contract appointment. In such case, the decision is not subject to review and the academic professional employee is not entitled to a hearing or a statement of reasons for that action.

4. Leave with Pay

An academic professional may be placed on leave with pay only if it is determined by the president that the employee's continued presence on the university campus is likely to constitute a substantial interference with the orderly functioning of the university or a department or unit thereof. The period of leave may extend no longer than the duration of an investigation to determine if there is just cause for dismissal or suspension without pay, except that if the investigation leads to a recommendation for

dismissal or suspension without pay, then the period of leave may extend through the final resolution of the hearing procedures. Placement on leave with pay status shall not be considered a disciplinary sanction. The employee is not entitled to a hearing or review process before being placed on Leave with Pay.

G. Release of Academic Professional Employees: The Board Designates to the Presidents the ability to modify the requirements of this section, provided the University process substantially complies with the following process.

1. In addition to other bases for termination specified in this document, termination of academic professional employees holding continuing appointments, or of other academic professional employees prior to the end of an appointment period, may occur because of a financial emergency or because of reorganization. Such a termination of appointment shall be designated a "release".

2. Release Due to Financial Emergency

a. Release of an academic professional employee may occur when deemed necessary due to a financial emergency as declared by the President, following notice to the Board Chair and General Counsel to the Board. Such a release shall be designated in the employee's personnel records as a "release due to financial emergency."

b. An academic professional employee released due to financial emergency shall be accorded the following rights and privileges:

(1) The individual shall be notified in writing of the decision to effectuate his or her release. Such notice shall be provided as far in advance of the release date as the President deems possible.

(2) Each university shall make a reasonable effort to secure alternative appointments within the university in open positions for which the affected individual is qualified under existing criteria. Each university shall make a reasonable effort to ensure that the individual is made aware of openings at other Arizona universities and opportunities for retraining or further professional growth.

(3) If, within a period of two years from the date of the release of an academic professional employee with continuing status, the President determines that the academic professional employee's position should be reopened, then reappointment to the position shall first be offered to the

released academic professional employee. The offer shall be sent to the last known email address of the employee and they shall have a reasonable time, not to exceed 30 days, within which to accept or decline the offer of reappointment.

3. Release Due to Reorganization

a. Release of academic professional employees at a university may occur when a reorganization is deemed necessary as declared by the President, following notice to the Board Chair and General Counsel to the Board, due to a budget or program decision requiring program discontinuance, curtailment, modification, or redirection. Such a release shall be designated in the employee's personnel records as a "release due to reorganization."

b. An academic professional employee released for reorganization shall be accorded the following rights and privileges:

(1) The individual shall be notified in writing of the proposed course of action that will result in his or her release. Such notice shall be provided as far in advance of the release date as the President deems possible.

(2) Each university shall make a reasonable effort to secure alternative appointments within the university in open positions for which the affected individual is qualified under existing criteria and to provide to the employee information concerning other employment opportunities that may be available.

(3) In the event that the program element that has been terminated should be reinstituted within a period of 2 years, new positions consisting of duties reasonably comparable to those of the released academic professional employee with continuing status shall not be filled without first offering reappointment to the released academic professional employee with continuing status. The released academic professional employee must be given a reasonable time, not to exceed 30 days, within which to accept or decline reappointment.

H. Dismissal or Suspension Procedures: The Board Designates to the Presidents the ability to modify the requirements of this section, provided the University process substantially complies with the following process.

1. General

    a. When an academic professional employee is recommended for suspension or dismissal, or whenever an academic professional employee is accused of a violation of a university of Board Policy, or other circumstance provided in this policy the employee shall be subject to the procedures set forth herein.

    b. The procedures are not required and shall not be followed in:

        (1) Decisions relating to non-reappointment of academic professional employees not holding continuing appointments.

        (2) Decisions relating to release from employment due to financial emergency or reorganization.

        (3) Decisions relating to reduction in salary.

    c. The procedures are not judicial. The structure of a judicial proceeding is neither required nor particularly appropriate. Formal rules of evidence are not applicable. Deviation from these procedures shall not invalidate a decision or proceeding unless they cause significant prejudice to the respondent or the university.

2. Initiation of Procedures

    These procedures shall be initiated through a written referral signed by the complainant and filed with the President or the President's designee.

3. Informal Procedures

    Each university shall adopt informal procedures consistent with the following:

    a. Upon receipt of a referral, a designated administrator or conciliation committee shall:

        (1) Consult with the complainant, and conduct a review and investigation to (a) ascertain the facts and (b) determine if the matter should be pursued.

(2) Confer with the respondent to (a) ascertain the respondent's position, (b) attempt conciliation, and (c) report the findings and recommendations to be made.

b. The findings, decisions, and sanctions, if any, to be recommended shall be written on a form prepared by the designated administrator or conciliation committee and submitted to the President or their designee, who may approve, disapprove, modify, or otherwise render a determination.

(1) If the respondent is willing to accept the determination, the respondent shall acknowledge acceptance by signing the form in an appropriately designated place, and all action on the referral shall be closed.

(2) If the respondent refuses or fails to accept the determination, the respondent shall have 10 days from receipt of the determination to provide the President or the President's designee a written objection to the determination, setting forth the grounds for respondent's objection or failure to accept the determination. Upon receipt of the written objection, the matter shall be referred for formal hearing before a committee established in accordance with procedures adopted by each university.

4. Formal Hearing Procedures

a. Each university shall adopt formal hearing procedures to deal with just cause dismissals in the event informal procedures are unsuccessful.

b. The procedures shall provide for the establishment of a committee to conduct formal hearings. The title and composition of the committee shall be determined by the university.

c. The procedures shall provide for a written notice to be given to the parties at least 20 days prior to the date set for the hearing, which notice shall include at least the following:

(1) A statement of the time, place and nature of the hearing.

(2) A copy of the statement of charges as prepared by the person representing the university at the hearing.

(3) The name and university address of the chair or person to whom all correspondence or other matters should be directed.

d. The procedures shall provide that the written charges contain at least the following:

(1) The specific basis for recommending suspension or dismissal or the specific Code provisions alleged to have been violated by the respondent.

(2) A short and plain statement of the relevant facts, including if known, the time, date and place of the alleged incident or incidents giving rise to the charges.

(3) The name of the complainant who initiated the referral.

(4) The names of any witnesses which may be presented on behalf of the university.

e. The procedures shall provide for the specific manner in which the hearing before the committee is conducted. However, at least the following rights shall be afforded the respondent:

(1) The right to be heard in person and to present witnesses and submit evidence including documentary evidence.

(2) The right to confront and cross-examine adverse witnesses.

(3) The right to a hearing before an impartial body.

(4) At the respondent's own election and cost, to be represented by counsel or accompanied by an advisor, which advisor may consult with and advise the party but shall not otherwise participate.

(5) The right to a written statement prepared by the hearing body setting forth its recommendation, its reasons for reaching such recommendation, and the facts relied upon in reaching such recommendation. The written statement may be forwarded to the respondent by the President or their designee along with the final decision of the President, or designee, on the matter.

f. The procedures shall also provide as follows:

(1) That failure of the respondent to appear at a scheduled hearing shall be treated as consent to the charges pending. Each university may provide for withdrawal of such consent under appropriate circumstances if it so chooses.

(2) That the hearing and deliberations shall be closed to the public except for the immediate members of the respondent's family and for the respondent's advisor. An open hearing will be held if requested by the respondent.

(3) That a mechanical or stenographic record of the hearing shall be made, a transcript of which may be obtained by any party at that party's own cost.

(4) The Chair of the hearing committee shall have the authority to issue subpoenas for the attendance of witnesses, and for the production of books, records, documents and other evidence, and shall have the power to administer oaths. The subpoena shall be in writing and shall be served upon the witness in person. Members of the university community are required to comply with subpoenas issued pursuant to this procedure unless compliance would result in unavoidable personal hardship or participation beyond the terms of the contract.

(5) That a finding of just cause for dismissal must be based on a preponderance of the evidence.

(6) That the written statement prepared by the hearing body shall be forwarded to the President or their designee within 30 days after conclusion of the hearing except upon good cause the date for forwarding the written statement may be extended by an additional 30 days, and that, upon receipt and review, the President or their designee shall approve, disapprove, amend or otherwise issue a final decision in writing no later than 45 days following the receipt of the recommendation. The President or their designee shall not be bound by the recommendations of the hearing body. A copy of this final decision, along with a copy of the Committee's written statement, shall be mailed to the respondent and the date of mailing shall be the effective date of the decision. The President’s, or designee’s, decision shall include a statement that an appeal to the Superior Court pursuant to the Administrative Review Act, A.R.S. §12-901, et seq., if desired, must be filed within 35

days from the date when a copy of the decision sought to be reviewed is served upon the party affected.

g. The procedures may include such additional provisions as are not inconsistent with the provisions of these Conditions of Service for Academic Professionals.

h. The respondent may request reconsideration of the President's decision by filing a written request setting forth a ground for reconsideration with specificity within 15 days of receipt of the decision. If no request for reconsideration is made, the President's decision is effective at the expiration of the period in which to request reconsideration. The grounds for reconsideration are:

(1) Irregularities in the proceedings including but not limited to any abuse of discretion or misconduct by the committee which has deprived the employee of a fair and impartial process,

(2) Accident or surprise that could not have been prevented by ordinary prudence,

(3) Newly discovered material evidence which could not have been available for the presentation,

(4) Excessive or insufficient result,

(5) The decision is not justified by the evidence or is contrary to law.

i. If the respondent requests reconsideration, the President or their designee shall issue a decision on reconsideration within 20 days of receiving a request for reconsideration. The President's, or their designee's, decision on reconsideration shall include a statement that an appeal to Superior Court pursuant to the Administrative Review Act, A.R.S. §12-901, et seq., if desired, must be filed within 35 days from the date on which the decision on reconsideration is served on the party affected.

I. Implementation

The President shall establish such additional policies and procedures consistent with this policy as may be needed to carry out the Conditions of Service for Academic Professionals.

J. Severability

If any section, paragraph, subdivision, clause, sentence, or phrase of this policy shall for any reason be held illegal or unenforceable, such decision shall not affect the validity of the remaining portions of the policy. If any provision of this policy contains an ambiguity, which may be construed as either valid or invalid, the valid construction shall prevail.

K. Prior Status

1. Adoption of these Conditions of Service for Academic Professionals as a policy of the Board shall not divest a person of any tenured faculty status or continuing academic professional status acquired prior to adoption.

2. An academic professional employee who, prior to adoption of these Conditions of Service for Academic Professionals, held non-tenured faculty status and who was eligible for tenure review shall be provided the option of remaining employed under the terms of the Conditions of Faculty Service.

3. Prior service within a position designated as academic professional service shall be considered in determining the type of appointment tendered.

Policy History

12/7/2012 Approved by the Board on second reading.

9/27/2018 Policy revised to reflect “Executive Director” of the Board in place of “President.”

6/12/2025 Policy revision approved by the Board on second reading.

4/16/2026 Policy revision approved by the Board on second reading.

10/1/2026 Policy revision approved by the Board on second reading.

Related Information

The language in this policy was originally included in 6-301 from its adoption in 1983. In 2012, parts of Chapter VI were renumbered and this language was adopted as policy 6-302.